

IN THE UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by)
Personal Representative Mildred Haynes,) No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her)
own behalf,)
)
Plaintiffs,) JURY TRIAL DEMANDED
)
v.)
)
CITY OF MILWAUKEE, WISCONSIN)
and DOMINIQUE HEAGGAN-BROWN,)
)
Defendants.)

EXHIBIT 10

Brunson Deposition Transcript

David B. Owens
Danielle Hamilton
LOEVY & LOEVY
311 N. Aberdeen St, Third FL
Chicago, IL 60607
(312) 243-5900

In the Estate of Sylville K. Smith vs City of Milwaukee, et al.

2:17 cv 862-LA

Transcript of the Testimony of:

MICHAEL BRUNSON

October 22, 2018

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

The ESTATE of SYLVILLE K. SMITH,
by Personal Representative Mildred
Haynes, Patrick Smith, and Mildred
Haynes, on her own behalf,

Plaintiffs,

vs.

Case No. 2:17 cv 862-LA

CITY OF MILWAUKEE, WISCONSIN
AND DOMINIQUE HEAGGAN-BROWN,

Defendants.

30 (b) (6) Deposition of

ASST. CHIEF OF POLICE MICHAEL BRUNSON

Monday, October 22nd, 2018

1:59 p.m.

at

MILWAUKEE CITY ATTORNEY'S OFFICE
841 North Broadway, Seventh Floor
Milwaukee, Wisconsin

Reported by Kealoha A. Schupp, RPR

30 (b) (6) deposition of ASST. CHIEF OF POLICE MICHAEL BRUNSON, a witness in the above-entitled action, taken at the instance of the Plaintiffs, pursuant to the Federal Rules of Civil Procedure, pursuant to notice, before Kealoha A. Schupp, RPR and Notary Public, State of Wisconsin, at MILWAUKEE CITY ATTORNEY'S OFFICE, 841 North Broadway, Seventh Floor, Milwaukee, Wisconsin, on the 22nd day of October, 2018, commencing at 1:59 p.m. and concluding at 4:40 p.m.

A P P E A R A N C E S:

LOEVY & LOEVY, by
Mr. David B. Owens
Ms. Danielle Hamilton
311 North Aberdeen Street, Third Floor
Chicago, Illinois 60607
Appeared on behalf of Plaintiffs.

MILWAUKEE CITY ATTORNEY'S OFFICE, by
Ms. Naomi E. Gehling
841 North Broadway, Seventh Floor
Milwaukee, Wisconsin 53202
Appeared on behalf of Defendants.

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** I N D E X **

2

E X A M I N A T I O N

3

BY MR. OWENS.....

4

4

5

PREVIOUSLY MARKED EXHIBITS

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(Original exhibits retained by court reporter and attached to original transcript.)

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R E Q U E S T S

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ITEM REQUESTED

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TRANSCRIPT OF PROCEEDINGS

MICHAEL BRUNSON, called as a witness

herein, having been first duly sworn on oath, was examined and testified as follows:

EXAMINATION

BY MR. OWENS:

Q All right. Sir, would you please state and spell your name for the record?

A My name is Michael J. Brunson, Sr., spelled
M-I-C-H-A-E-L, J is for Jabbar, which is my middle
name, and then last name is Brunson,
B-R-U-N-S-O-N, and then senior.

Q Where are you employed?

A City of Milwaukee Police Department.

Q What is your role with the Milwaukee Police Department, sir?

A Right now I'm an assistant chief of police. I am over the patrol bureau, which is the seven police districts; the office of community outreach and education; the specialized patrol division, which is the motorcycles, tactical enforcement unit, or also known as SWAT; and many departments, planning and logistics, crash reconstruction unit, and the executive protection unit.

Q Did you say "crash reconstruction"?

1 together to review -- basically as a risk
2 management tool in order to address, you know, any
3 issues that we saw with officers that use force
4 more than their peers.

5 Q Okay. So that resulted in standard operating
6 procedures for early intervention, correct?

7 A Early intervention -- "EIP" is what it was
8 called -- was established even before 2013.

9 Q Okay.

10 A So that was something that -- so early
11 intervention kind of went on a separate track than
12 the -- I guess if you want to say -- and the whole
13 use of force committee was not thought to be a
14 disciplinary. It was thought to be a risk
15 management tool that we used to try to address
16 risk or potential risk on our department.

17 So the EIP was thought of as an
18 intervention tool to address any issues that
19 officers may have. It could have been personal.

20 So it was kind of on a separate
21 track, to a certain degree.

22 Q All right. So let's try to make sure we're using
23 the same vocabulary.

24 I believe what you're talking to,
25 the use of force committee, as a result of that

1 cameras, officers on the outlier list would have
2 to be the ones who had some, correct?

3 A Yes.

4 Q All right. And then outliers were defined as
5 members who had use of force incidents that are
6 standard -- that are at least three standard
7 deviations above the average number of use of
8 force incidents department-wide over a six or
9 one-month period, correct?

10 A Correct.

11 MS. GEHLING: Incorrect. "One-year."
12 Sorry. You said "six or one-month." It's not --
13 six-month or one-year.

14 THE WITNESS: Or one-year, yeah.

15 BY MR. OWENS:

16 Q All right. Let's ask it again.

17 A Okay.

18 Q Outliers were defined as department members who
19 had a certain number of uses of force incidents
20 that are three standard deviations above the
21 average number of use of force incidents
22 department-wide over a six-month or one-month
23 period, correct?

24 A One-year.

25 Q I did it again.

1 Over a one-year period, correct?

2 A Correct.

3 Q All right. Six-month or one-year period, correct?

4 A Correct.

5 Q All right. And certain types of uses of force

6 would be eliminated from that?

7 A Yes.

8 Q And so the policy -- the outlier policy was

9 adopted to reflect this statistically significant

10 number of three standard deviations above the

11 average, correct?

12 A Correct.

13 Q And in implementing that sort of statistical

14 privilege the policy set for individuals who have

15 three use of force incidents within a number of

16 days, correct?

17 A Three standard deviations, so whatever that would

18 be. You said three, three incidents.

19 So it may fluctuate based on

20 whatever that standard deviation is.

21 Q Okay.

22 A Or the average of -- the average of the mean.

23 Q Well, I thought that the way this was implemented

24 was that it generally became the officers who had

25 three use of force incidents within 90 days. Is